

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

Gafai Group, LLC, et al.,

Plaintiffs,

Case No. 23-11798

v.

Judith E. Levy

United States District Judge

U.S. Citizenship and Immigration  
Services, et al.,

Mag. Judge Kimberly G. Altman

Defendants.

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**ORDER GRANTING PLAINTIFFS' MOTION FOR VOLUNTARY  
DISMISSAL [10], DISMISSING CASE WITHOUT PREJUDICE,  
AND DENYING DEFENDANTS' MOTION TO DISMISS [8]  
AS MOOT**

On July 26, 2023, Plaintiffs Gafai Group, LLC and Fadhl Abdo Melhi Ayedh filed this action against Defendants U.S. Citizenship and Immigration Services ("USCIS"), Alejandro Mayorkas, Ur Jaddou, Loren K. Miller, and Susan Dibbins in the United States District Court for the District of Columbia. (ECF No. 1.) On July 26, 2023, the case was transferred to the Eastern District of Michigan pursuant to a consent motion by Defendants. (ECF Nos. 2, 3.) On October 30, 2023, Defendants filed a motion to dismiss. (ECF No. 8.) In their motion, Defendants

explain that USCIS’s review of Plaintiffs’ I-140 visa petition for Ayedh is ongoing and that Plaintiffs’ motion to reopen and motion to reconsider made with USCIS rendered USCIS’s original decision denying the petition non-final. (*See id.* at PageID.18, 20, 23–25.)

On November 16, 2023, Plaintiffs filed a motion for voluntary dismissal of their claims pursuant to Federal Rule of Civil Procedure 41(a)(2).<sup>1</sup> (ECF No. 10.) In their motion, Plaintiffs acknowledge that their I-140 petition has been reopened. (*See id.* at PageID.53.) Plaintiffs also state that “Defendants’ counsel indicated that Defendants consent to the dismissal.” (*Id.* at PageID.53.)

Accordingly, Plaintiffs’ motion for voluntary dismissal (ECF No. 10) is GRANTED. The case is DISMISSED WITHOUT PREJUDICE.

Defendants’ motion to dismiss (ECF No. 8) is DENIED as MOOT.

IT IS SO ORDERED.

Dated: November 21, 2023  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

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<sup>1</sup> Plaintiffs’ filing was docketed as a “NOTICE of Voluntary Dismissal,” but the text of the filing makes clear that Plaintiffs are making a motion under Rule 41(a)(2). (*See* ECF No. 10, PageID.52 (“PURSUANT to Federal Rule of Civil Procedure 41(a)(2), the Plaintiff [sic] hereby *moves* for the dismissal of their claims without prejudice.” (emphasis added)).)

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on November 21, 2023.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager